


FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT MOBILE VIDEO/AUDIO RECORDING PERSONAL AUDIO/VIDEO RECORDING DEVICES	POLICY NUMBER 17.22
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17.22.01 PURPOSE

It is the purpose of this policy to provide members with guidelines for the use of mobile video and audio recording equipment.

17.22.02 POLICY

Mobile video/audio recording (MVR) equipment has been demonstrated to be of value in the prosecution of traffic violations and related offenses, in evaluation of officer performance and as well as for training. In order to maximize the usefulness of this equipment in these and related areas, members shall follow the procedures for MVR equipment use as set forth in this policy.

17.22.03 DEFINITIONS

- A. **APPROVED DIGITAL DEVICES** - Digital devices approved by the Director or designee and issued by the Florida Highway Patrol.
- B. **DIGITAL EVIDENCE** - Information and data of investigative value stored on, or transmitted by, an electrical device (e.g.; photographs, video segments, audio recordings, computer files).
- C. **DIGITAL EVIDENCE CAPTURING DEVICES (DECD)** - Electronic devices that capture digital evidence or other digital data (e.g.; digital cameras, digital audio recorders, digital camcorders, digital answering machines, digital video recorders).
- D. **ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS)** - A Florida Highway Patrol electronic network-based system for the storage of digital files such as photographs, audio clips, video clips, documents, and others as approved.
- E. **FLASH MEMORY/FLASH MEDIA** - Computer memory that can be electronically erased and reprogrammed. This memory may be built into an electronic device or on a removable media (e.g.; Secure Digital Card, Compact Flash Card, USB "Flash Drive").
- F. **LONG-TERM STORAGE MEDIA** - A non-volatile digital media capable of long-term storage of digital data. This includes optical discs, network storage devices, hard disc drives, and digital recording libraries.

17.22.04 OBJECTIVES

This Division has adopted the use of mobile video/audio recording (MVR) systems in order to accomplish objectives including, but not limited to, the following:

- A. Accurate documentation of events, actions, conditions and statements made during arrests, traffic stops and other incidents, to enhance members' reports, collection of evidence and testimony in court; and
- B. The enhancement of this Division's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for member evaluation and training.

17.22.05 PROCEDURES

- A. INSTALLATION OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT
 - 1. When installed in a Division vehicle, Mobile Video/Audio Recording equipment shall be installed and maintained according to manufacturer's recommendations and Division policy.
 - 2. Mobile Video/Audio Recording equipment not purchased by the Division must meet all standards and specifications as set forth by the agency Equipment Compliance and Testing section.
 - 3. The Director or designee must approve Mobile Video/Audio Recording equipment not purchased by the Division prior to its installation in a patrol vehicle.
 - 4. Mobile Video/Audio Recording equipment shall only be installed by a designated, qualified technician approved by the Chief Technology Officer or designee.
- B. OPERATING PROCEDURES
 - 1. Members shall adhere to the following procedures when utilizing MVR equipment.
 - a. Mobile Video/Audio Recording equipment installed in vehicles is the responsibility of the member assigned to that vehicle and will be maintained according to manufacturer's recommendations, and Division policy.
 - b. Prior to each shift, members shall determine whether their MVR equipment is working properly and shall inform their immediate supervisor of any malfunctions as soon as possible.
 - c. Mobile Video/Audio Recording equipment shall be used on every traffic stop, emergency response and pursuit. Mobile Video/Audio Recording equipment will automatically activate when the vehicle's emergency warning devices are in operation. Deactivation shall not occur until the traffic stop is complete or an

emergency response or pursuit is terminated. Other keys will be determined by the Chief Technology Officer.

- d. Mobile Video/Audio Recording equipment may be manually deactivated during non-enforcement activities such as directing traffic, disabled vehicle assists, extended traffic crash or traffic homicide investigations. Whenever equipment is manually deactivated, members shall properly document the reasons for this action.
 - e. Proper notation on the tape shall be made to explain why the tape has been shut off; i.e. writing on tape carrier, or explaining on the tape when in the record position prior to shutting the unit off (for VHS users). Prior to turning off or deactivating the MVR, the member will make an audio notation to explain why the recorder is being turned off.
 - f. Members will note in UCR, arrest and related reports when video/audio recordings were made during the incident in question and that they have been submitted to evidence.
 - g. Members shall provide narration with the video recording prior to each stop. The intent of this narration is to assist them in necessary written documentation and to assist the member in supporting probable cause for the stop.
2. Members shall ensure that Mobile Video/Audio Recording equipment is operating in order to record traffic stops or other enforcement actions. In so doing they will ensure that:
- a. The video recorder is positioned and adjusted to record events.
 - b. The member's wireless microphone is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.
 - c. At the time the Mobile Video/Audio Recorder is activated, all radio equipment except the FHP mobile and portable radios shall be turned off or the volume decreased to prevent interference with the audio recording quality.
 - d. If for any reason a Mobile Video/Audio Recorder is found to be inoperable or malfunctioning, the member will immediately notify a supervisor. A file will be maintained for each Mobile Video/Audio Recorder documenting any time that the unit is inoperable or malfunctioning. The file will include documentation of repairs made to the Mobile Video/Audio Recorder.
3. Members will also use their Mobile Video/Audio Recorder to record:
- a. The actions of suspects during interviews, when undergoing field sobriety tests or when placed in custody if the recording would prove useful in later judicial proceedings.

- b. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.
- c. Back-up officers who arrive on scene to assist another member and who have audio/video recording capabilities shall ensure their MVR is activated and in position to record the events, if feasible and in accordance with the requirements of this policy.

C. DATA MANAGEMENT AND SECURITY FOR VHS AND DIGITAL RECORDING DEVICES

1. Members shall ensure that they are equipped with an adequate supply of videotapes to complete their tour of duty.
2. Videotapes provided by the Division will not be utilized for non-duty connected purposes.
3. Members shall use only videotapes issued and approved by the Division.
4. Each Troop/District Headquarters shall maintain an inventory of at least 25 videotapes for each unit assigned a Mobile Video/Audio Recording under their command.
5. Members shall not destroy, alter or manipulate any Long Term Storage Media in any manner unless authorized to do so by policy. Tampering with any Long Term Storage Media shall be cause for disciplinary action in the form of suspension or dismissal.
6. Videotapes will not be removed from the Mobile Video/Audio Recording until approximately one hour of playing time remains on the tape. This one hour cushion will help to assist the member in guarding against becoming involved in a significant event and not having sufficient time left on the recording tape to capture the event to its conclusion.
7. Members shall upload all EVIDENTIARY digital recordings at an authorized FHP server location as soon as reasonable; there is no requirement to upload at the end of each shift. Members must have authorization to stay beyond normal working hours strictly for uploading.
8. Members shall download all non-evidentiary MVR recordings at least once per workweek for administrative purposes.
9. Under extraordinary circumstances, a Troop Commander may authorize a temporary delay for an administrative download.
10. MVR recordings shall be retained in accordance with the needs of judicial prosecution. Once prosecutorial retention requirements including appeals have been satisfied, State Attorney's Office, Division utilization, Florida Public Records Law, and applicable policies shall be followed using the guidelines provided below:
 - a. DUI – 365 days

- b. Arrest – Felony – 365 days
- c. Arrest – Misdemeanor – 365 days
- d. Administrative Review – 365 days (Supervisor must change classification tag on the server for issues from complaints to shootings)
- e. Traffic Stop – 30 days
- f. Citizen Assist – 30 days
- g. Backup Officer – 30 days
- h. Crash Investigation – 30 days
- i. Field Interview – 30 days
- j. Pursuit – 30 days
- k. Sobriety Checkpoints – 30 days
- l. Use of Control – 30 days

NOTE: The above guidelines are suggestions and should not be construed as rules. Exigent circumstances could apply to any situation and cause a change in retention requirements. Members are encouraged to verify with the appropriate authority, the preferred retention schedule for each occurrence.

- 11. All non-evidentiary MVR recordings will be stored and retained by the Division for at least 30 days. All others will be maintained as evidence and subjected to evidence requirements.
 - a. Once the recording is uploaded/transferred by member and the 30 day retention period has passed:
 - (1) If the recording was found to have administrative or training value, it will be retained as long as necessary to meet that need, or
 - (2) If the recording has not been identified as having evidentiary or administrative value, it will be deleted.
 - b. The various classifications of recordings will determine the length of time the recording is stored/maintained by the Division.
- 12. Patrol supervisors, through periodic and random inspection, shall ensure their MVR assigned members are properly uploading/transferring MVR recordings.
- 13. The Chief Technology Officer, or designee, is responsible for the storage and maintenance of all MVR recordings uploaded onto the server.
- 14. Access to the server shall be limited to members with the proper

authorization.

15. Members using VHS media will upon completion of each tape, affix a label to the outside long edge of the tape. The label shall include:

- (1) Member's name and identification number
- (2) County and District of assignment
- (3) Date tape was started
- (4) Date tape was completed
- (5) FHP Tape Control Number

The FHP Tape Control Number will include:

- (a.) County of Assignment (i.e., 13, 42)
- (b.) Sequential tape numbers (i.e., 0001, 0002, etc.)
- (c.) A sequential number 1-5 following the tape number will be used to denote the number of times the tape has been used for in-car recording.

Example: 13-0001-1 (indicates first use of tape #1 in Leon, Co.) 13-0005-3 (indicates third use of tape #5 in Leon, Co.)

- (6) If the tape includes the recording of an event that is the object of an incident or crash report, document the appropriate case number.
16. Members are encouraged to inform their supervisor of any videotaped sequences that may be of value for training purposes. In instances where a recorded audio/video contains material that is deemed beneficial for training purposes, the video may be utilized after receiving approval from the Director or designee. Members are encouraged to recommend video for this purpose.
17. Mobile Video/Audio Recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence and placed in the evidence/property room. As such, these audio/video recordings will:
- a. Be subject to the same security restrictions and chain of custody evidence safeguards as detailed in FHP Policy Chapter 12.
 - b. Not be released to another criminal justice agency for trial or other reasons without ensuring a duplicate copy remains with FHP.
 - c. Not be released to other than bona fide criminal justice agencies without prior approval of the designated supervisor.

- d. If using VHS media, once the tape is no longer of any evidentiary value, it may be reused once proper erasure techniques are applied.
- e. Whenever a recorded incident or traffic stop results in the requirement for DHSMV Forms (i.e., Use of Control, Contraband Forfeiture), if using VHS, the member shall remove the recorded tape from the recorder when he/she has completed the processing of the subject and a blank tape will then be placed in the recording unit. If using digital, the recording will be downloaded to a blank CD.
- f. A member may request that a MVR recording be retained for more than 30 days. Such request will be made in writing to the member's immediate supervisor and shall include:
 - (1) Identification of the recording
 - (2) Reason for the extension
 - (3) Approximate date the recording can be destroyed, if known.

PRIOR TO ERASING ANY AUDIO/VIDEO TAPES, THE MEMBER MUST ENSURE THAT ALL COURT PROCEEDINGS ARE COMPLETED. THIS WILL INCLUDE BOTH CRIMINAL CASES AS WELL AS CIVIL CASES (excluding routine traffic infractions); WITH EMPHASIS ON POTENTIAL ASSET FORFEITURE CIVIL CASES AT THE FEDERAL OR STATE LEVEL. WHEN NUMEROUS CRIMINAL JUSTICE AGENCIES ARE INVOLVED IN A JOINT OPERATIONAL DETAIL (e.g., STATE ATTORNEY, DEA, FBI, OTHER POLICE OR SHERIFF'S DEPARTMENTS), THE MEMBER MUST CONTACT EACH AGENCY TO ENSURE THE VIDEOTAPE WILL NOT BE NEEDED FOR COURT PROCESSING.

- 18. When not utilized as evidence or for any other departmental use, all audio/video recordings (tapes, CDs, DVDs) will be maintained, as follows:
 - a. Audio/video recordings will be stored in accordance to the manufacturer's guidelines and FHP policy in a secure area accessible only to authorized Division supervisors or evidence/property custodians. This includes storage of digital media on Division Servers.
 - b. Tapes will be numbered and each rotated on a 90 calendar day cycle (any one tape will only be used once in a 90 day period) for a maximum of 5 uses.
 - c. Members who have a pending court case may request that the recording be retained until the case is resolved.
 - d. No videotape will be reissued for operational use unless completely erased by a supervisor designated by the District Commander.

- e. Each erasure and reuse of tape will be documented.
- f. Audio/video tapes shall remain stored at the District of origin regardless of changes in an affected member's duty assignment.
- g. Each FHP station should have on hand, a high-speed video-dubbing unit capable of copying and erasing videotapes. All tapes and appropriate recording media will be provided and available at FHP field offices.

D. DUPLICATION OF DIGITAL (OR MVR) RECORDINGS

- 1. Except for evidentiary purposes, reproduction of MVR recordings by district personnel is prohibited unless authorized by the District Commander or designee.
- 2. Any person/firm making an authorized request for a copy of a recorded incident must provide a blank tape for VHS or a CD or flash drive for digital.
- 3. Only portions applicable to the request will be copied. The original tape recording will be retained by the Division and handled in accordance with all applicable FHP evidence policy and court orders.
- 4. Unusual or exceptional incidents related to law enforcement activities generate the interest of many. However, members shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of any recording without prior authorization of the Director or designee.

E. STORAGE, REPAIR OF MOBILE VIDEO/AUDIO RECORDING EQUIPMENT

- 1. Members shall immediately report any equipment failure to their supervisor and make arrangements for repair. Members shall never attempt any repair of the equipment that would require going into the internal parts of the unit.
- 2. Video cameras and monitors shall be removed and stored in the trunk of the patrol vehicle or in the member's home when off duty for more than two days, unless prohibited by manufacturer guidelines.
- 3. Video cameras shall be shaded from the sun and heat whenever possible. Due to the sensitivity of videotapes, they should be stored in the passenger compartment of the vehicle, not in the trunk.
- 4. Only fuses of a type recommended by the manufacturer will be used with the video equipment.

F. SUPERVISORY RESPONSIBILITIES

Supervisory personnel who manage members equipped with Mobile Video/Audio Recording shall ensure that:

- 1. All members follow established procedures for the use and maintenance

of Mobile Video/Audio Recording equipment, handling of video/audio recordings and the completion of Mobile Video/Audio Recording documentation.

2. Monthly, randomly review videotapes and recordings to assist in periodic assessment of member performance, determine whether Mobile Video/Audio Recording equipment is being fully and properly used and to identify material that may be appropriate for training.
3. Repairs and replacement of damaged or non-functional Mobile Video/Audio Recording equipment is performed; and
4. All statistical reporting requirements are being completed as required to ensure adequate program evaluation.
5. Patrol supervisors, through periodic inspection, shall ensure their MVR assigned members are properly uploading/transferring MVR recordings.

G. TRAINING/CERTIFICATION

1. Mobile Video/Audio Recording equipment operators and instructors will successfully complete an operation and proficiency test. The process will include a training program from a qualified instructor covering:
 - a. Unit set-up procedures; care and proper cleaning of camera lens.
 - b. Testing of the equipment.
 - c. Operation during patrol.
 - d. Video recording evidence procedures.
 - e. Data file uploading and required notation of recordings with evidentiary or administrative value.
2. When unusual, exceptional, or felonious incidents are recorded and perceived to be of value as a training aid, the following procedure will apply:
 - a. The member's immediate supervisor will view the recording.
 - b. If the recording is of value for training purposes, and will not be required as evidence, the supervisor will provide access to the media for the Chief Training Officer at the Florida Highway Patrol training academy.
 - c. Academy staff will review and evaluate a recording segment to determine its training value, and reproduce it if needed.
3. The Florida Highway Patrol training academy will be responsible for developing and administering the training process for assuring proficiency of instructors and operators. This shall include, but not be limited to:
 - a. Developing lesson plans.

- b. Maintaining training records.
 - c. Reviewing training purpose recordings provided by the field.
- H. REQUESTS FOR EXHIBIT, DISPLAY AND DEMONSTRATION OF THE MOBILE VIDEO/AUDIO RECORDING
 - 1. All requests for exhibit, display and demonstration of equipment to interested parties shall be directed to the Troop Commander or designee.
 - 2. With the Troop Commander's approval, the Public Affairs Officer shall arrange to have the MVR recording equipment demonstrated to interested judicial personnel and others reasonably affected by its use.

17.22.06 USE OF PERSONALLY OWNED AUDIO/VIDEO DEVICES

- A. Any member requesting to use personally owned audio/video recording devices must adhere to the FHP Mobile Video/Audio Recording equipment specs, technical requirements, and guidelines. The personally owned audio/video device must be able to link with and upload to servers located at FHP facilities. Any member requesting an exception must submit a written request via the appropriate chain of command to the Director or designee. Upon written approval from the Director or designee, a member may use personally owned audio/video recording devices to document traffic stops or other law enforcement encounters.

The member must be in uniform and in the performance of official duties in compliance with Florida Statutes and FHP Policy. At no time will a personally owned audio/video recording device be used to record conversations or events contrary to any state or federal law or policy unless all parties are advised and agree to the recording.

- 1. Members approved to use personally owned audio/video recording devices are required to sign an annual acknowledgement indicating the member understands and will comply with this policy.
- 2. Only recordings from devices meeting the FHP installed equipment specs and guidelines shall be authorized by the Director or designee. The date and time stamp shall be activated and accurately set prior to using the device.
- 3. When approved to utilize a personally owned audio/video recording device, the member will record **all traffic stops or other law enforcement encounters**. If for any reason the device is found to be inoperable or malfunctioning, the member will notify a supervisor immediately documenting the time and date of inoperability. (Under no circumstances will the malfunction of a recording device be used as justification not to perform required duties).
- 4. A file will be maintained at troop headquarters for each member approved to use personally owned audio/video recording devices. The file will contain a copy of the written approval and will include the manufacturers'

name, model, and serial number if available. Additionally, all documentation of inoperability will be maintained in the file. The file shall also document if the member rescinds the request to carry the device.

5. Personally owned audio/video recording devices will not be connected to the member's MDC or other state owned computer equipment for downloading the recordings. It will be the member's responsibility to secure a method for transferring the recording data to a storage media (CD, DVD, USB thumb drive, memory stick, or compact flash drive). Recording data may be stored on personally owned computer or data devices. **WARNING: Storing work-related recording data on personally owned computers will subject the member's personal computer to inspection or confiscation pursuant to public records request.**
6. Members approved to use personally owned audio/video recording devices will maintain all recordings for no less than 90 days from the date of the recording. All recordings will be made on FHP issued recording media (CDs or DVDs). If a request for any recording is made within 90 days of the recording, it will be the member's responsibility to supply the requested recording to his/her supervisor within a reasonable time, in most cases no more than one business day. Failure to maintain and/or supply the requested information is a violation of Florida Statute and may result in disciplinary action against the member.
7. Members are prohibited from releasing any recordings made in the performance of official duties without the written approval of the Director or designee.
8. If a recording contains information that may be of value for case prosecution or in any criminal or civil adversarial proceeding, a copy of the recording shall be considered as evidence. The recording shall be converted to a CD or DVD and submitted to the Evidence/Property Control Function in compliance with FHP Policy Manual, Chapter 12.
9. The Division will accept no responsibility for the purchase, maintenance, loss, or damage to personal audio/video recording devices.